

DPW

Attorney Docket No. 0502-0001.01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

C. Murray Ardies

Serial No.: 10/665,221

Filed: September 17, 2003

Art Unit: 1636

Examiner: Daniel M. Sullivan

For: Method Of Screening Agents For The
Treatment And Prevention Of Cancer)
And Cachexia And The New Use Of)
Specific Agents For The Treatment)
And Prevention Of Cancer And Cachexia)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO EXAMINER COMMUNICATION
AND ELECTION**

Sir:

The Examiner issued a Restriction Requirement on May 15, 2006. Applicant filed an election on May 26, 2006. The Examiner, however, issued a communication on August 24, 2006 stating that Applicant's election was not fully responsive. The undersigned has now conferred with the Examiner to confirm that this election would be fully responsive to the Restriction Requirement.

Initially, Applicant wishes to make of record that Applicant is only making this election for examination purposes. Applicant does not wish for the application to be limited to the elected species.

Accordingly, Applicant has the following species election:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450 on
September 13 2006
(Date of Deposit)
Shannon Wallace
Name of applicant, assignee, or Registered Rep.
Shannon Wallace 9/13/06
Signature Date

i. from Claims 2 and 13, Applicant elects the mitogen activated protein kinase (MAPK) pathways of transcription activation;

ii. from Claims 4 and 15, Applicant elects any reporter-gene assays to determine gene activation; and

iii. from Claims 11 and 23, Applicant elects increased cellular content of any of gene products associated with the stress-response pathways.


It is respectfully submitted that all of the pending claims read on this species and that all the species in the claims can be examined with this species.

Applicants are making this election without disclaimer or prejudice to later filing a divisional application on the non-elected claims and/or species.

If any fee should be due for this response, please charge our deposit account 50/1039.

Respectfully submitted,

Date: September 13, 2006


Mark J. Murphy
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Customer no. 26568